

# House Study Bill 256

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON JOCHUM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the conduct of elections by modifying  
2 procedures on election day and by modifying procedures related  
3 to absentee voting.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2381HC 82  
6 sc/gg/14

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1 1 Section 1. Section 49.77, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. One of the precinct election officials shall announce  
1 4 the voter's name aloud for the benefit of any persons present  
1 5 pursuant to section 49.104, subsection 2, 3, or 5. If the  
1 6 declaration of eligibility is not printed on each page of the  
1 7 election register, any of those persons ~~may~~ upon their  
1 8 request, shall be allowed to view the signed declarations of  
1 9 eligibility and ~~may~~ shall be allowed to review the signed  
1 10 declarations on file so long as the person does not interfere  
1 11 with the functions of the precinct election officials. If the  
1 12 declaration of eligibility is printed on the election  
1 13 register, the precinct election official shall make available  
1 14 for viewing a listing of those voters who have signed  
1 15 declarations of eligibility. Any of those persons present  
1 16 pursuant to section 49.104, subsection 2, 3, or 5, ~~may~~ upon  
1 17 their request, shall be allowed to view the listing of those  
1 18 voters who have signed declarations of eligibility, so long as  
1 19 the person does not interfere with the functions of the  
1 20 precinct election officials.

1 21 Sec. 2. Section 49.77, subsection 4, unnumbered paragraph  
1 22 2, Code 2007, is amended to read as follows:

1 23 A person who has received an absentee ballot and not  
1 24 returned it may surrender the absentee ballot to the precinct  
1 25 officials and vote in the usual manner in person at the polls.  
1 26 The precinct officials shall mark the uncast absentee ballot  
1 27 "void" and return it to the commissioner. A person who has  
1 28 been sent an absentee ballot by mail but for any reason has  
1 29 not received it or who has not brought the ballot to the polls  
1 30 shall be permitted to cast a ballot in person pursuant to  
1 31 section 53.19 and in the manner prescribed by section 49.81.  
1 32 A person who spoils an absentee ballot but neglects to return  
1 33 it to the commissioner or a person who has been informed that  
1 34 the person's completed absentee ballot has been rejected shall  
1 35 be permitted to cast a ballot in person in the manner  
2 1 prescribed by section 49.81.

2 2 Sec. 3. Section 49.80, subsection 2, Code 2007, is amended  
2 3 to read as follows:

2 4 2. In case of any challenges of an elector at the time the  
2 5 person is offering to vote in a precinct, a precinct election  
2 6 official may place such person under oath and question the  
2 7 person as, (a) where the person maintains the person's home;  
2 8 (b) how long the person has maintained the person's home at  
2 9 such place; (c) if the person maintains a home at any other  
2 10 location; (d) the person's age. The precinct election  
2 11 official may permit the challenger to participate in such  
2 12 questions. The challenged elector shall be allowed to present  
2 13 to the official such evidence and facts as the elector feels  
2 14 sustains the fact that the person is qualified to vote. Upon  
2 15 completion thereof, if the challenge is withdrawn or if a  
2 16 majority of the election board comprised of precinct election  
2 17 officials who are members of either of the political parties

2 18 finds that the challenge is without merit, the elector may  
2 19 cast the vote in the usual manner. If the challenge is not  
2 20 withdrawn, section 49.81 shall apply.  
2 21 Sec. 4. Section 49.81, subsection 3, Code 2007, is amended  
2 22 to read as follows:  
2 23 3. Any elector may present written statements or  
2 24 documents, supporting or opposing the counting of any  
2 25 provisional ballot, to the precinct election officials on  
2 26 election day, until the hour for closing the polls and to the  
2 27 commissioner until noon on the third day following the  
2 28 election. Any statements or documents ~~so~~ presented at the  
2 29 polling place shall be delivered to the commissioner when the  
2 30 election supplies are returned.  
2 31 Sec. 5. NEW SECTION. 49.84A RETURN OF BALLOT ==  
2 32 CORRECTED BALLOT.  
2 33 1. a. If a special paper ballot is used and the  
2 34 tabulating device returns a ballot, the precinct election  
2 35 official attending the device shall ask the voter to wait.  
3 1 Without examining the ballot, the official shall enclose the  
3 2 returned ballot in a secrecy folder. If necessary, the  
3 3 official shall read to the voter the information provided by  
3 4 the device regarding the reason the ballot was returned. The  
3 5 official shall offer the voter the opportunity to correct the  
3 6 ballot. The precinct election official shall mark the  
3 7 returned ballot "spoiled" and shall also tear or mark the  
3 8 ballot so that the tabulating device cannot count it. The  
3 9 voter may use the spoiled ballot as a guide for marking the  
3 10 corrected ballot. After the voter has marked the corrected  
3 11 ballot, the precinct election official shall collect the  
3 12 spoiled ballot and keep it with other spoiled ballots.  
3 13 b. If the voter who cast the returned ballot is not  
3 14 available, or declines to correct the ballot, the precinct  
3 15 official shall not mark the ballot "spoiled". The official  
3 16 shall reset the tabulating device to accept the ballot. The  
3 17 voter, or the official if the voter has left the polling  
3 18 place, shall insert the ballot into the tabulating device  
3 19 without further examination.  
3 20 2. If a voting machine that is a direct recording  
3 21 electronic device is used, and the voter leaves the voting  
3 22 booth without casting the ballot, the precinct election  
3 23 official shall cast the ballot without examining the face of  
3 24 the machine.  
3 25 Sec. 6. Section 50.21, unnumbered paragraph 1, Code 2007,  
3 26 is amended to read as follows:  
3 27 The For general and primary elections, the commissioner  
3 28 shall reconvene the election board of the special precinct  
3 29 established by section 53.20 not earlier than noon on the  
3 30 third day following the election. If the third day following  
3 31 such an election is a legal holiday the special precinct  
3 32 election board may be convened not earlier than noon on the  
3 33 Monday following the election. For all other elections, the  
3 34 commissioner shall reconvene the election board of the special  
3 35 precinct established by section 53.20 not earlier than noon on  
4 1 the second day following each election which is required by  
4 2 law to be canvassed on the Monday or Tuesday following the  
4 3 election. If the second day following such an election is a  
4 4 legal holiday the special precinct election board may be  
4 5 convened at noon on the day following the election, and,  
4 6 However, if the canvass of the election is scheduled at any  
4 7 time earlier than the Monday following the election, the  
4 8 special precinct election board shall be reconvened at noon on  
4 9 the day following the election.  
4 10 Sec. 7. Section 50.24, unnumbered paragraph 1, Code 2007,  
4 11 is amended to read as follows:  
4 12 The county board of supervisors shall meet to canvass the  
4 13 vote on the first Monday or Tuesday after the day of each  
4 14 election to which this chapter is applicable, unless the law  
4 15 authorizing the election specifies another date for the  
4 16 canvass. However, for general and primary elections, the  
4 17 county board of supervisors shall meet to canvass the vote on  
4 18 the first Tuesday after the day of the election. If that  
4 19 Monday or Tuesday is a public holiday, section 4.1, subsection  
4 20 34, controls. Upon convening, the board shall open and  
4 21 canvass the tally lists and shall prepare abstracts stating,  
4 22 in words written at length, the number of votes cast in the  
4 23 county, or in that portion of the county in which the election  
4 24 was held, for each office and on each question on the ballot  
4 25 for the election. The board shall contact the chairperson of  
4 26 the special precinct board before adjourning and include in  
4 27 the canvass any absentee ballots which were received after the  
4 28 polls closed in accordance with section 53.17 and which were

4 29 canvassed by the special precinct board after election day.  
4 30 The abstract shall further indicate the name of each person  
4 31 who received votes for each office on the ballot, and the  
4 32 number of votes each person named received for that office,  
4 33 and the number of votes for and against each question  
4 34 submitted to the voters at the election. The votes of all  
4 35 write-in candidates who each received less than two percent of  
5 1 the votes cast for an office shall be reported collectively  
5 2 under the heading "scattering".  
5 3 Sec. 8. Section 53.2, subsection 8, Code 2007, is amended  
5 4 to read as follows:  
5 5 8. ~~An~~ During the thirty days preceding the day of the  
5 6 election, an application for an absentee ballot that is  
5 7 returned to the commissioner by a person acting as an actual  
5 8 or implied agent for a political party, candidate, or  
5 9 committee, all as defined by chapter 68A, shall be returned to  
5 10 the commissioner within seventy-two hours of the time the  
5 11 completed application was received from the applicant or no  
5 12 later than five p.m. on the Friday before the election,  
5 13 whichever is earlier.  
5 14 Sec. 9. NEW SECTION. 53.4 ONGOING ABSENTEE VOTER.  
5 15 A registered voter applying for an absentee ballot under  
5 16 section 53.2 may request to receive an absentee ballot for all  
5 17 subsequent elections or for each subsequent general election  
5 18 in which that person is eligible to vote and qualifies under  
5 19 section 53.1. The state commissioner shall provide check  
5 20 boxes on the prescribed form for this purpose. For all  
5 21 subsequent elections or for each subsequent general election,  
5 22 the county commissioner of elections shall automatically mail  
5 23 an absentee ballot to the requesting voter, or automatically  
5 24 deliver an absentee ballot if the requester is a confined  
5 25 person pursuant to section 53.22. A voter's status as an  
5 26 ongoing absentee voter shall be terminated upon the request of  
5 27 the voter or by the county commissioner if the voter fails to  
5 28 qualify under section 53.1 or if the voter fails to vote in a  
5 29 subsequent general election.  
5 30 Sec. 10. Section 53.10, unnumbered paragraph 2, Code 2007,  
5 31 is amended to read as follows:  
5 32 Each person who wishes to vote by absentee ballot at the  
5 33 commissioner's office shall first sign an application for a  
5 34 ballot including the following information: name, current  
5 35 address, and the election for which the ballot is requested.  
6 1 The person may report a change of address or other information  
6 2 on the person's voter registration record at that time. The  
6 3 registered voter shall immediately mark the ballot; enclose  
6 4 the ballot in a secrecy envelope, if necessary, and seal it in  
6 5 ~~a ballot~~ an affidavit envelope; subscribe to the affidavit on  
6 6 the reverse side of the envelope; and return the absentee  
6 7 ballot to the commissioner. The commissioner shall record the  
6 8 numbers appearing on the application and ballot affidavit  
6 9 envelope along with the name of the registered voter.  
6 10 Sec. 11. Section 53.17, subsection 4, paragraph b, Code  
6 11 2007, is amended to read as follows:  
6 12 b. Absentee ballot couriers shall be registered with the  
6 13 commissioner ~~by the person providing the training required in~~  
6 14 ~~paragraph "c".~~ The registration may be submitted to the  
6 15 commissioner's office by the person wishing to be registered  
6 16 as an absentee ballot courier or, in the case of partisan  
6 17 elections, by the respective state or county central  
6 18 committees or a member of the paid staff of such committees or  
6 19 by the county party or the state party or a member of the paid  
6 20 staff of such parties. The registration shall include the  
6 21 courier's name and address and the best means for contacting  
6 22 the person or the political party, candidate, or committee for  
6 23 which the person is acting as an actual or implied agent. The  
6 24 registration form shall include a statement to be signed by  
6 25 the registrant that the registrant has received and read the  
6 26 rules and guidelines on the laws, procedures, and penalties  
6 27 related to handling completed absentee ballots. Such rules  
6 28 and guidelines shall be established by the state commissioner  
6 29 by rule adopted pursuant to chapter 17A and made available on  
6 30 the state commissioner's internet website, the internet  
6 31 website of the county commissioner, and in the office of the  
6 32 county commissioner.  
6 33 An absentee ballot courier must be registered with the  
6 34 commissioner ~~prior to by five p.m. on the day before each~~  
6 35 election for which the person will be delivering completed  
7 1 absentee ballots to the commissioner. ~~However, if a person~~  
7 2 ~~has completed training as an absentee ballot courier and the~~  
7 3 ~~trainer is unable to register the person because the~~  
7 4 ~~commissioner's office is closed, the person may retrieve~~

~~7 5 completed absentee ballots if the trainer registers the~~  
~~7 6 courier with the commissioner by facsimile transmission within~~  
~~7 7 twenty-four hours of completion of training or by personally~~  
~~7 8 delivering the registration information to the commissioner's~~  
~~7 9 office by the close of the next business day following~~  
~~7 10 completion of training or by mailing the registration~~  
~~7 11 information to the commissioner, in which case the mailing~~  
~~7 12 must be postmarked no later than the next business day~~  
~~7 13 following completion of training. For each election, the~~  
7 14 commissioner shall maintain a list of all persons who ~~have~~  
~~7 15 been~~ are registered as absentee ballot couriers.

7 16 Sec. 12. Section 53.17, subsection 4, paragraph c, Code  
7 17 2007, is amended by striking the paragraph.

7 18 Sec. 13. Section 53.17, subsection 4, paragraph e, Code  
7 19 2007, is amended to read as follows:

7 20 e. ~~An absentee ballot courier shall submit a cover sheet~~  
~~7 21 listing the names of persons whose ballots are being delivered~~  
~~7 22 each time the courier delivers ballots to the commissioner's~~  
~~7 23 office. A completed ballot and cover sheet shall only be~~  
7 24 delivered to the commissioner's office by the absentee ballot  
7 25 courier who retrieved the ballot or by one other absentee  
7 26 ballot courier designated by the political party, candidate,  
7 27 or committee for which the absentee ballot couriers are acting  
7 28 as actual or implied agents. ~~The cover sheet shall include~~  
~~7 29 space for the name and signature of the absentee ballot~~  
~~7 30 courier who retrieved the ballot and the name and signature of~~  
~~7 31 any second absentee ballot courier designated to deliver the~~  
~~7 32 ballot and cover sheet to the commissioner's office.~~

7 33 Sec. 14. Section 53.18, Code 2007 is amended to read as  
7 34 follows:

7 35 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION ==  
8 1 REVIEW OF AFFIDAVIT == REPLACEMENT BALLOTS.

8 2 1. Upon receipt of the return carrier envelope containing  
8 3 the completed absentee ballot, the commissioner shall at once  
8 4 record the serial number appearing on the application and  
8 5 return carrier envelope and time of receipt of such ballot and  
8 6 attach the elector's application to the unopened return  
8 7 carrier envelope. Absentee ballots shall be stored in a  
8 8 secure place until they are delivered to the absentee and  
8 9 special voters precinct board.

8 10 2. If the commissioner receives the return carrier  
8 11 envelope containing the completed absentee ballot by five p.m.  
8 12 on the Saturday before the election for general and primary  
8 13 elections and by five p.m. on the Friday before the election  
8 14 for all other elections, the commissioner shall open the  
8 15 envelope to review the affidavit for any deficiencies. If the  
8 16 affidavit contains a deficiency that would cause the ballot to  
8 17 be rejected, the commissioner shall, within twenty-four hours  
8 18 of the time the envelope was received, notify the voter of  
8 19 that fact and that the voter may correct the deficiency by  
8 20 five p.m. on the day before the election.

8 21 3. If the affidavit envelope is open when received by the  
8 22 commissioner, or has been opened and resealed, the  
8 23 commissioner shall immediately notify the voter of that fact  
8 24 and that the voter's absentee ballot shall not be counted  
8 25 unless the voter applies for a replacement ballot and returns  
8 26 the replacement ballot in the time permitted under section  
8 27 53.17, subsection 2. The replacement ballot application shall  
8 28 be the same as is required for an application under section  
8 29 53.2. If the information on the replacement ballot  
8 30 application matches the information on the original  
8 31 application, the voter shall be allowed to complete a  
8 32 replacement absentee ballot. The same serial number that was  
8 33 assigned to the records of the original absentee ballot  
8 34 application shall be used on the envelope and records of the  
8 35 replacement ballot. The affidavit envelope containing the

9 1 completed replacement ballot shall be marked "Replacement  
9 2 ballot". The affidavit envelope containing the original  
9 3 ballot shall be marked "Defective ballot" and the replacement  
9 4 ballot and replacement ballot application shall be attached to  
9 5 the original application and affidavit envelope containing the  
9 6 original ballot and shall be stored in a secure place until  
9 7 they are delivered to the absentee and special voters precinct  
9 8 board, notwithstanding sections 53.26 and 53.27.

9 9 4. The state commissioner of elections shall adopt rules  
9 10 for implementation of this section.

9 11 Sec. 15. Section 53.19, unnumbered paragraph 3, Code 2007,  
9 12 is amended to read as follows:

9 13 However, any registered voter who has received an absentee  
9 14 ballot and not returned it may surrender the absentee ballot  
9 15 to the precinct officials and vote in person at the polls.

9 16 The precinct officials shall mark the uncast absentee ballot  
9 17 "void" and return it to the commissioner. Any registered  
9 18 voter who has been sent an absentee ballot by mail but for any  
9 19 reason has not received it or who has not brought the ballot  
9 20 to the polls may appear at the voter's precinct polling place  
9 21 on election day and shall cast a ballot in accordance with  
9 22 section 49.81. Any registered voter who has been notified by  
9 23 the commissioner pursuant to section 53.18 of the need to  
9 24 correct a deficiency on the affidavit or to apply for and vote  
9 25 a replacement absentee ballot and who has not corrected the  
9 26 deficiency or voted a replacement absentee ballot may appear  
9 27 at the voter's precinct polling place on election day and  
9 28 shall cast a ballot in accordance with section 49.81.

9 29 Sec. 16. Section 53.21, unnumbered paragraph 4, Code 2007,  
9 30 is amended to read as follows:

9 31 The voter shall enclose one copy of the above statement in  
9 32 the return carrier envelope with the ~~ballot~~ affidavit envelope  
9 33 and retain a copy for the voter's records.

9 34 Sec. 17. Section 53.23, subsection 3, Code 2007, is  
9 35 amended to read as follows:

10 1 3. a. The commissioner shall set the convening time for  
10 2 the board, allowing a reasonable amount of time to complete  
10 3 counting all absentee ballots by ten p.m. on election day.  
10 4 The commissioner may direct the board to meet on the day  
10 5 before the election solely for the purpose of reviewing the  
10 6 absentee voters' affidavits appearing on the sealed ~~ballot~~  
10 7 affidavit envelopes. If in the commissioner's judgment this  
10 8 procedure is necessary due to the number of absentee ballots  
10 9 received, the members of the board may open the sealed ~~ballot~~  
10 10 affidavit envelopes and remove the secrecy envelope containing  
10 11 the ballot, but under no circumstances shall a secrecy  
10 12 envelope be opened before the board convenes on election day.  
10 13 If the ~~ballot affidavit~~ envelopes are opened before election  
10 14 day, two observers, one appointed by each of the two political  
10 15 parties referred to in section 49.13, subsection 2, shall  
10 16 witness the proceedings. However, if either or both political  
10 17 parties fail to appoint an observer, the commissioner may  
10 18 continue with the proceedings.

10 19 b. If the board finds any ballot not enclosed in a secrecy  
10 20 envelope and the ballot is folded in such a way that any of  
10 21 the votes cast on the ballot are visible, the two special  
10 22 precinct election officials, one from each of the two  
10 23 political parties referred to in section 49.13, subsection 2,  
10 24 shall place the ballot in a secrecy envelope. No one shall  
10 25 examine the ballot. Each of the special precinct election  
10 26 officials shall sign the secrecy envelope.

10 27 Sec. 18. Section 53.24, Code 2007, is amended to read as  
10 28 follows:

10 29 53.24 COUNTIES USING VOTING MACHINES.

10 30 In counties which provide the special precinct election  
10 31 board with voting machines, the ~~absentee ballot affidavit~~  
10 32 envelopes shall be opened by the board and the ballots shall,  
10 33 without being unfolded, be thoroughly intermingled, after  
10 34 which they shall be unfolded and, under the personal  
10 35 supervision of precinct election officials of each of the  
11 1 political parties, be registered on voting machines the same  
11 2 as if the absent voter had been present and voted in person,  
11 3 except that a tally of the write-in votes may be kept in the  
11 4 tally list rather than on the machine. When two or more  
11 5 political subdivisions in the county are holding separate  
11 6 elections simultaneously, the commissioner may arrange the  
11 7 machine so that the absentee and provisional ballots for more  
11 8 than one election may be recorded on the same machine.

11 9 Sec. 19. Section 53.25, Code 2007, is amended to read as  
11 10 follows:

11 11 53.25 REJECTING BALLOT.

11 12 ~~In case if~~ the absentee voter's affidavit is found to be  
11 13 insufficient, ~~or that if~~ the applicant is not a duly  
11 14 registered voter in such precinct, ~~or that the ballot envelope~~  
11 15 ~~is open, or has been opened and resealed, or that if the~~  
11 16 ~~ballot affidavit~~ envelope contains more than one ballot of any  
11 17 one kind, ~~or that said if the~~ voter has voted in person, such  
11 18 vote shall not be accepted or counted. If the affidavit  
11 19 envelope is open, or has been opened and resealed, and an  
11 20 affidavit envelope with the same serial number and marked  
11 21 "Replacement ballot" is not attached as provided in section  
11 22 53.18, the vote shall not be accepted or counted.

11 23 If the absentee ballot is rejected prior to the opening of  
11 24 the ~~ballot affidavit~~ envelope and after the deadline for  
11 25 notification in section 53.18, the voter casting the ballot  
11 26 shall be notified by a precinct election official by the time

11 27 the canvass is completed of the reason for the rejection on a  
11 28 form prescribed by the state commissioner of elections. The  
11 29 names and resident precincts of voters whose ballots have been  
11 30 rejected shall be made available, upon request, to  
11 31 representatives of each political party, representatives of  
11 32 any nonparty political organization, representatives of any  
11 33 candidate nominated by petition pursuant to chapter 45,  
11 34 representatives of any other nonpartisan candidate in a city  
11 35 or school election appearing on the ballot of the election in  
12 1 progress, representatives of persons supporting a public  
12 2 measure appearing on the ballot and representatives of persons  
12 3 opposed to such measure.

12 4 Sec. 20. Section 53.27, Code 2007, is amended to read as  
12 5 follows:

12 6 53.27 REJECTION OF BALLOT == RETURN OF ENVELOPE.  
12 7 If the ballot is rejected, ~~said ballot~~ the affidavit  
12 8 envelope, with the affidavit of the voter endorsed thereon,  
12 9 shall be returned with ~~said the~~ rejected ballot in the  
12 10 envelope endorsed "Defective ballots".

12 11 Sec. 21. Section 53.32, Code 2007, is amended to read as  
12 12 follows:

12 13 53.32 BALLOT OF DECEASED VOTER.

12 14 When it shall be made to appear by due proof to the  
12 15 precinct election officials that any elector, who has so  
12 16 marked and forwarded a ballot, has died before the ~~ballot~~  
12 17 affidavit envelope is opened, then the ballot of such deceased  
12 18 voter shall be endorsed, "Rejected because voter is dead", and  
12 19 be returned to the commissioner; but the casting of the ballot  
12 20 of a deceased voter shall not invalidate the election.

12 21 Sec. 22. Section 53.38, Code 2007, is amended to read as  
12 22 follows:

12 23 53.38 WHAT CONSTITUTES REGISTRATION.

12 24 Whenever a ballot is requested pursuant to section 53.39 or  
12 25 53.45 on behalf of a voter in the armed forces of the United  
12 26 States, the affidavit upon the ~~ballot~~ affidavit envelope of  
12 27 such voter, if the voter is found to be an eligible elector of  
12 28 the county to which the ballot is submitted, shall constitute  
12 29 a sufficient registration under chapter 48A. A completed  
12 30 federal postcard registration and federal absentee ballot  
12 31 request form submitted by such eligible elector shall also  
12 32 constitute a sufficient registration under chapter 48A. The  
12 33 commissioner shall place the voter's name on the registration  
12 34 record as a registered voter if it does not already appear  
12 35 there.

13 1 Sec. 23. Section 53.40, unnumbered paragraph 5, Code 2007,  
13 2 is amended to read as follows:

13 3 If the affidavit on the ~~ballot~~ affidavit envelope shows  
13 4 that the affiant is not a qualified voter on the day of the  
13 5 election at which the ballot is offered for voting, the  
13 6 envelope shall not be opened, but the envelope and ballot  
13 7 contained in the envelope shall be preserved and returned by  
13 8 the precinct election officials to the commissioner, who shall  
13 9 preserve them for the period of time and under the conditions  
13 10 provided for in sections 50.12 through 50.15 and section  
13 11 50.19.

13 12 Sec. 24. Section 53.44, unnumbered paragraph 1, Code 2007,  
13 13 is amended to read as follows:

13 14 The affidavit on the affidavit envelope used in connection  
13 15 with voting by absentee ballot under this division by members  
13 16 of the armed forces of the United States need not be notarized  
13 17 or witnessed, but the affidavit on ~~the ballot~~ such envelope  
13 18 shall be completed and signed by the voter.

13 19 EXPLANATION

13 20 This bill makes changes relating to the conduct of  
13 21 elections by modifying procedures on election day and by  
13 22 modifying procedures related to absentee voting.

13 23 The bill amends Code section 49.77 to specify that  
13 24 observers of an election, upon their request, shall be allowed  
13 25 to view the signed declarations of eligibility and the listing  
13 26 of voters who have signed such declarations.

13 27 Code section 49.77 is also amended to repeat language that  
13 28 is currently in section 53.19 regarding certain absentee  
13 29 voters. The amendment provides that a person who has received  
13 30 an absentee ballot and not returned it may vote in the usual  
13 31 manner upon surrendering the ballot to the precinct election  
13 32 officials. A person who has been sent an absentee ballot but  
13 33 has not received it or who has received it but not surrendered  
13 34 it at the polling place may vote a provisional ballot.

13 35 Finally, the section is amended to provide that a person who  
14 1 spoils an absentee ballot but does not return it to the  
14 2 commissioner, or a person who has been notified that the

14 3 person's absentee ballot has been rejected, shall be permitted  
14 4 to cast a provisional ballot at the polls.

14 5 Code section 49.80, relating to challenges to voters, is  
14 6 amended to provide that a person against whom a challenge is  
14 7 filed may proceed to vote in the usual manner upon a finding  
14 8 by a majority of the election board that the challenge is  
14 9 without merit.

14 10 Code section 49.81 is amended to extend the time that an  
14 11 elector may present materials supporting or opposing a  
14 12 challenge to noon on the third day following the election,  
14 13 rather than when the polls close on election day.

14 14 New Code section 49.84A sets out the procedure when a  
14 15 ballot is returned by the tabulating device. The Code section  
14 16 provides that the voter may mark a corrected ballot. However,  
14 17 if the voter declines to mark a corrected ballot or if the  
14 18 voter has already left the polling place, the precinct  
14 19 election official is required to reset the tabulating device  
14 20 to accept the ballot. New Code section 49.84A also provides  
14 21 that if a direct recording electronic device is used, and the  
14 22 voter leaves the voting booth without casting the ballot, the  
14 23 precinct election official shall cast the ballot.

14 24 Code sections 50.21 and 50.24 are amended to change the  
14 25 dates for reconvening the election board of the absentee  
14 26 ballot and special voters precinct and the convening of the  
14 27 county canvassing board after a general or primary election.  
14 28 The bill provides that the special precinct board shall be  
14 29 reconvened not earlier than noon on the third day following  
14 30 the election. Current law on reconvening the special precinct  
14 31 board is not earlier than noon on the second day following the  
14 32 election for all elections. The bill provides that the county  
14 33 board of supervisors shall convene to canvass the vote on the  
14 34 first Tuesday following the election for a general or primary  
14 35 election. Current law provides that the canvassing board

15 1 convene on the first Monday or Tuesday following the election.  
15 2 Code section 53.2, is amended to provide that during the 30  
15 3 days before an election, applications for absentee ballots  
15 4 that are being returned by an agent of a political party,  
15 5 candidate, or committee must be returned within 72 hours of  
15 6 receiving the application from the applicant. Under current  
15 7 law, the 72 hours applies to any time period before the  
15 8 election.

15 9 The bill allows an absentee voter to receive absentee  
15 10 ballots for all subsequent general elections without having to  
15 11 reapply before each election. A person's status as an ongoing  
15 12 absentee voter can be terminated by that person, by the county  
15 13 commissioner of elections if the person fails to qualify as an  
15 14 absentee voter, or if the voter fails to vote in a subsequent  
15 15 general election.

15 16 Code section 53.17, relating to absentee ballot couriers,  
15 17 is amended to remove the requirement that a person be trained  
15 18 as a courier prior to registering with the county commissioner  
15 19 of elections. The bill provides that when the person  
15 20 registers or when the person's agent registers the person, the  
15 21 registration form shall include a statement to be signed by  
15 22 the registrant that the registrant has received and read the  
15 23 rules and guidelines on the laws, procedures, and penalties  
15 24 related to handling completed absentee ballots. Such rules  
15 25 and guidelines shall be established by the state commissioner  
15 26 by rule and made available on the state commissioner's  
15 27 internet website, the internet website of the county  
15 28 commissioner, and in the office of the county commissioner.

15 29 The section is also amended to strike the requirement that  
15 30 a cover sheet listing the names of the absentee voters and the  
15 31 signature of the courier or couriers, as applicable, be  
15 32 returned to the commissioner's office along with the completed  
15 33 absentee ballots.

15 34 Code section 53.18 is amended to require the county  
15 35 commissioner of elections to open the absentee ballot return  
16 1 carrier envelope in order to inspect the affidavit on the  
16 2 affidavit envelope containing the ballot. If there is a  
16 3 deficiency in the affidavit that would cause the ballot to be  
16 4 rejected, the commissioner is to contact the voter and inform  
16 5 the voter of the deficiency and that the deficiency may be  
16 6 corrected by the voter by 5 p.m. on the day before the  
16 7 election.

16 8 The bill also requires the county commissioner of elections  
16 9 to notify an absentee voter if the voter's completed absentee  
16 10 ballot is returned in an affidavit envelope that is unsealed  
16 11 or that has been opened and resealed. The commissioner shall  
16 12 allow the voter to complete another absentee ballot  
16 13 application and a replacement ballot by 5 p.m. on the day

16 14 before the election.  
16 15 Code section 53.19 is amended to provide that if the voter  
16 16 does not correct the affidavit deficiency or vote a  
16 17 replacement ballot, as the case may be, the voter shall be  
16 18 allowed to vote a provisional ballot at the polls.  
16 19 Code section 53.23 is amended to provide that if observers  
16 20 are not appointed by the political parties to witness the  
16 21 proceedings when absentee ballot envelopes are opened before  
16 22 election day, the commissioner may proceed with opening the  
16 23 ballot envelopes.  
16 24 Code section 53.25 is amended to provide that the names and  
16 25 resident precincts of voters whose ballots have been rejected  
16 26 after the deadline for notification in section 53.18 shall be  
16 27 made available, upon request, to representatives of all of the  
16 28 following: political parties; nonparty organizations and  
16 29 candidates nominated by petition; any other partisan  
16 30 candidates; and supporters and opponents of a public measure  
16 31 on the ballot.  
16 32 Finally, the bill changes the term "ballot envelope" to  
16 33 "affidavit envelope" to conform to the use of the term  
16 34 "affidavit envelope" throughout the Code.  
16 35 LSB 2381HC 82  
17 1 sc:nh/gg/14